IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVEN DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 18473 of 2004

Between:

Y. Ankineedu Prasad, S/o. Y. Sivaram Prasad,
R/o. Plot No.108, Sri Nilaya Estate, Ameerpet, Hyderabad.

..... PETITIONER

AND

1 Government of Andhra Pradesh, Revenue Department,
Rep. by its Principal Secretary, Secretariat Buildings, Hyderabad.
2 The District Collector, Hyderabad District, Hyderabad.
3 The Mandal Revenue Officer, Shaikpet Mandal, Hyderabad District.
4 Special Officer & Competent Authority, Urban Land Ceiling, Chandra Vihar, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction, one more particularly in the nature of a Writ of "Mandamus" declaring the action of the respondents in seeking to interfere with the Petitioner's fundamental and constitutional rights in relation to the petitioner's property in premises No. 8-2-120/112/17, Plot No.5 corresponding to TS No.1/1/D, Ward No.9, Block "H" situated at Road No.9 (back side of Annapurna Studio), Banjara Hills, Hyderabad as being illegal, arbitrary, unconstitutional and in violation of principles of natural justice and consequently restrain the respondents from interfering within any manner by infringing and impairing the petitioner's rights in the

said property.

Counsel for the Petitioner: MR.S.NIRANJAN REDDY, Advocate.

Counsel for the Respondents: Govt. Pleader for REVENUE

The Court made the following:

Oral Order:

Heard the learned counsel for the petitioner and also learned Government Pleader for Revenue for respondents. Both the counsel have argued and requested to dispose of the main writ petition itself.

It is stated that originally the property bearing No. 8-2-120/112/17, Plot No.5 admeasuring 836.10 square meters corresponding to T.S.No.1/1/D, Ward No.9, Block "H" situated at Road No.9, Banjara Hills, Hyderabad was owned by one Sri Subhash Kumar Lahode and he conveyed the same in favour of one Smt.V.Srivalli. On the demise of Srivalli the property was bequeathed to her daughter—Smt.Y.Shanta A.Prasad, who is no other than petitioner's wife. After the demise of his wife—Shanta, petitioner succeeded the said property. Since the land purchased by the vendor of the petitioner's mother in law was contrary to the provisions of the Urban Land Ceiling Act petitioner applied for regulararisation of the same in pursuance of G.O.Ms.No.455 Revenue Department dated 29-07-2002. After conducting a detailed enquiry the 1st respondent passed orders in G.O.Ms.No.387 dated 12-05-2004 regularising the rights of the petitioner. While allotting the land an incorrect survey number was mentioned and the same was rectified through G.O.Ms.No.668 dated 27-08-2004. The grievance of the petitioner is that when the petitioner tried to improve the compound wall the officials attached to the office of the 3rd respondent visited the spot and sought to demarcate and survey the same for holding that the same was Government land. Even without issuing any notice they are trying to demolish the structures, namely, room constructed for watch and ward staff. In view of the same, petitioner filed the present writ petition.

The Mandal Revenue Officer, Shaikpet Mandal filed a counter affidavit, opposing the writ petition, stating that as per the town Survey conducted during the years 1965 and 1970 suit schedule land was correlated to T.S.No.1/1/C, which was recorded as

Government land and published in Hyderabad Gazette No.22 dated 18-04-1977 and part of the petition schedule property to an extent of 477 square yards falls in T.S.No.1/1/C, Block 'H', Ward No.9 correlated to Sy.No.403 of Shaikpet village, which is a Government Poramboke land situated in Jubilee Hills area. The petitioner is having right in adjacent patta land to an extent of 523 yards as per Government records in T.S.No.1/1/D. It is stated that under the guise of regularization, petitioner is trying to encroach the Government land to an extent of 477 sq. yards falls in T.S.No.1/1/C/1. On physical verification it is found that 477 sq. yards forms part of Government Poramboke land. In view of the same, an errata was issued on 27-08-2004 in which T.S.No.1/1/C/1 has been replaced by T.S.No.1/1/D in the same block and ward, but the sketch was not modified. In view of the same, petitioner cannot claim any right to an extent of 477 sq. yards. In fact, petitioner applied for NOC on 22-07-2004 only to an extent of 523 sq. yards, for the remaining 477 sq. yards of land petitioner has applied for regularization on 19-05-2004, which is not in dispute. Since the petitioner cannot claim any right or possession over the property in T.S.No.1/1/C/1, he cannot maintain the present writ petition.

Learned Counsel for the petitioner contends that when the Government regularized 836 sq. yards of excess vacant land under G.O.Ms.No.387 along with sketch and also modified the same by way of errata issued in G.O.Ms.No.668 dated 27-08-2004, petitioner is entitled to occupation of the same which was regularized. The very fact that the Government regularized the land purchased by the petitioner forms part of Sy.No.1/1/D is not in dispute.

On coming to know that Government land was regularized, an errata was issued through G.O.Ms.No.668 dated 27-08-2004 and the fact that the petitioner applied for NOC on 27-07-2004 only to an extent of 523 sq. yards and applied for regularization of 477 sq.yards, which is a Government land. In view of the same, petitioner was aware of the fact that the property purchased by him is not properly identified.

It is well settled that if there is any dispute with regard to title and ownership of the property, which is purchased by the petitioner as regularized by the Government, the proper remedy for the petitioner is to approach the Civil Court for appropriate relief.

Having regard to the fact that the petitioner himself applied for regularization of Government vacant land to an extent of 477 sq. yards on 19-05-2004,it is for the Government to consider the same and this Court cannot interfere with the same. In

view of the same, petitioner has to work out his remedies before the appropriate forum.

The writ petition is accordingly dismissed. No costs.

_____ A.GOPAL REDDY, J.

11-10-2004

Murthy

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 Principal Secretary, Government of Andhra Pradesh, Revenue Department, Secretariat Buildings, Hyderabad.
2 The District Collector, Hyderabad District, Hyderabad.
3 The Mandal Revenue Officer, Shaikpet Mandal, Hyderabad District.
4 Special Officer & Competent Authority, Urban Land Ceiling, Chandra Vihar, Hyderabad.

5.Two CCs to the Govt. Pleader for Revenue, High Court Buildings,

Hyderabad (OUT)

6 Two CD copies.